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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,076	02/28/2002	Kazuo Kuroda	B-4520 619566-7	1972

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 LADAS & PARRY
 5670 WILSHIRE BOULEVARD, SUITE 2100
 LOS ANGELES, CA 90036-5679

EXAMINER

RATHINASAMY, PALANI P

ART UNIT	PAPER NUMBER
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3622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/087,076	Applicant(s) KURODA, KAZUO	
	Examiner Palani P. Rathinasamy	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "S35" (Figure 5 – "RE-REGISTRATION PROCESS"). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "System S" (Detailed Description of the Preferred Embodiments, ¶ 4). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted

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after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In particular, applicant states, "As shown in Fig. 1, the advertisement information providing *system S*." [emphasis added] Examiner is unsure in Fig. 1 if this refers to Sad, Sdb, or Sj, or if it refers to the system in its entirety; ie: AD, DB, IN, Sdb, etc.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 - 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Because of this, the specification does not enable one skilled in the art to make or use the invention.

Another example, in claim 1 (and 12, 22, 23, 33, 35, and 36) applicant teaches of a "distribution information generating device" as composing of ad related info, generated

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ad related info, etc. Examiner is unable to find adequate support in the specification that would enable one to make or use this invention.

For example, applicant teaches of a "related information generating device" which generates related information. Examiner is unable to find in the specification information that adequately teaches what this related information consists of.

Another example, in claim (and 12, 22, 23, 33, 35, and 36) applicant teaches of "subsidiary information" that is "subsidiary to the advertisement". It is unclear what this information consists of. Examiner is unable to find an adequate definition to what this consists of.

Another example, in claim 10 (and 21 and 32), applicant teaches of a "catalog accumulating device". Examiner is unable to find support in the specification for what "catalog" refers to. Examiner assumes that "catalog" means a method for categorizing or sorting.

5. The specification is objected to as it appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors.

As an example, in the Description of the Related Art, second sentence:

In distribution of information through the internet, advertisement information is distributed arbitrarily and additionally when distributing for example, a specific content (including image information such as movie, music information and commodity information).

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 1-36 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

For example, claim 10 teaches of a catalog information output device that appears to be circular. "Transmitted from said output module to said output module." Examiner does not understand what this step accomplishes or what the applicant intended for the step to do. Another example, in claim 2, applicant teaches that the "distribution request information" is outputted twice subsequently from the same module.

8. Claim 10 (and 21 and 32) recites the limitation "said catalog review request information" in the catalog information output device. There is insufficient antecedent basis for this limitation in the claim. Examiner is unable to find reference to the creation of a "catalog review request information" in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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10. As best understood by Examiner, Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by do Rosario Botelho et al. (US 2002/0069105 A1 hereinafter "Botelho"). Botelho teaches an advertisement processing and targeting system.

11. Regarding claim 1, 11, 12, 22, 23, 33, 35, and 36, applicant teaches of an advertisement information system that consists of a registration device that registers advertisement information; generation device that generates advertisement information and distribution information; an output device that outputs the advertisement information; and an output module that has a transmitting medium, obtaining device, and display device. Botelho teaches of a similar system consisting of a registration device (Detailed Description, [0050]-[0053]; Fig. 5, 180, 182); generation device (Detailed Description, [0050]-[0053]; Fig 5A, 184, 188, 190); output device (Detailed Description, [0028]-[0031]; Fig. 1, 58); and an output module consisting of a transmitting medium (Summary of the Invention; Fig. 2), obtaining and display device (Summary of the Invention; Fig. 2).

12. Regarding claim 2, 13, and 24, applicant further teaches of a request generating device which requests desired advertisement to be output and displayed. Botelho teaches of a similar request. (Summary of the Invention, [0009]-[0013]; Detailed Description, [0033]-[0045], [0060]-[0075], Fig. 3).

13. Regarding claim 3, 14, and 25, applicant further teaches of a vote accepting device that accepts votes; a vote outputting device that transmits to the vote to the system; a ranking device that ranks advertisements; and a ranking distribution device

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which distributes based on rank. Botelho teaches of a similar system. Botelho teaches of a vote outputting device (Detailed Description, [0032]-[0040], [0048]-[0052], [0067]-[0071], Fig. 2, 108; Fig. 10, 274, 276); a ranking device (Detailed Description, [0059]-[0063]; Fig 3.; Fig. 10) and a ranking distribution device (Summary of the Invention; Detailed Description, [0059]-[0063]; Fig 3.; Fig. 10).

14. Regarding claim 4, 15, and 26, applicant further teaches that the ranking is based on the voting or number of distributions. Botelho teaches of a similar method of ranking advertisements. (Detailed Description, [0058]-[0065]; [0068]-[0072]).

15. Regarding claim 5, 16, and 27, applicant further teaches of a new matter device which updates advertisements and “upper rank” device that accumulates the highly ranked ads. Botelho teaches of a similar method of updating ads (Detailed Description, [0050]-[0053]; Fig. 5, 180, 182; Fig. 6; Fig. 7) and ranking (Detailed Description, [0058]-[0065]; [0068]-[0072]).

16. Regarding claim 6, 17, and 28, applicant further teaches that the new matter is entered without regard to the rank. Botelho teaches that advertisements can be updated or entered in new. (Detailed Description, [0048]-[0058]; Fig. 5). Botelho teaches that the ranking isn’t done until after a period. (Detailed Description, [0058]-[0065]).

17. Regarding claim 7, 8, 18, 19, 29, and 30, applicant further teaches that the advertisers pays or repays for ads that are distributed. Botelho teaches about advertisers purchasing advertisements that are displayed. (Detailed Description, [0035]-[0040], [0054]-[0062]; Fig. 5).

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18. Regarding claim 9, 20, and 31, applicant further teaches that the advertisement is in plural languages. Botelho teaches of receiving and categorizing various attributes of the advertisement such as geography and language and gives the example of the Japanese language. (Detailed Description, [0040]-[0041], [0063]-[0065]).

19. Regarding claim 34, applicant further teaches that the display device displays the distribution information. Botelho teaches of a similar displaying of information. (Detailed Description, [0028]-[0031], [0040]-[0044]; Fig. 1, 66).

20. Regarding claim 10, 21, and 32, applicant further teaches catalog accumulating device which categorizes the advertisements; an output device that outputs information related to the category; a review request device that reviews the category; and a review output device that displays the category request. Botelho teaches of a similar method of consisting of: accumulating category information (Summary of the Invention; Detailed Description, [0063]-[0070]; Fig. 10, 261, 262, 264; Fig. 12); an output device (Detailed Description, [0028]-[0031]; Fig. 1, 58); a review request device (Detailed Description, [0033]-[0039], [0048]-[0052], [0067]-[0071], Fig. 2, 108); and a review output device (Summary of the Invention; Detailed Description, [0028]-[0031], [0040]-[0043]; Fig. 1).

Conclusion

Examiner's Note: Examiner has cited particular columns, line numbers, and paragraphs in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and

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figures may apply as well. It is respectfully requested that the applicant, in preparing responses, fully consider each of the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art disclosed by the examiner.

Also, Examiner notes that claims are given their broadest reasonable construction. See *In re Hyatt*, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000).

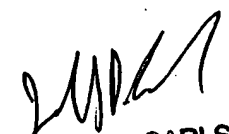
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Palani P. Rathinasamy whose telephone number is (571) 272-5906. The examiner can normally be reached on M-F 8:30-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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JEFFREY D. CARLSON
PRIMARY EXAMINER